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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,821	05/24/2001	Gary Gamerman	P 274105	8981
7590	05/25/2005		EXAMINER	
ANTHONY MIELE MIELE LAW GROUP 137 SOUTH MAIN STREET NATICK, MA 01760			COFFY, EMMANUEL	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/863,821	GAMERMAN, GARY
	Examiner Emmanuel Coffy	Art Unit 2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 March 2005.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2-21 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 2-17, 20 and 21 is/are rejected.

7) Claim(s) 18 and 19 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

***Response to Amendment***

1. This action is responsive to the amendment filed on March 22, 2005. Claim 1 is cancelled. Claims 2-21 are new. Claims 2-21 are pending. They represent a System and Method for "Cascaded Distribution of Processing."
2. Applicant's proffered no arguments with respect to the new claims, rather applicant simply stated that claim 1 is canceled without prejudice and offered claims 2-19; therefore, this amendment is final based on the new grounds of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 6,732,141) in view of Gall et al. (US 6,356,929).

Ellis teaches the invention substantially as claimed including one or more computer networks having computers like personal computers or network servers with microprocessors linked by broadband transmission means and having hardware, software, firmware, and other means such that at least one parallel processing operation occurs that involve at least two computers in the network. (See abstract.)

**Claim 2:**

(New) A machine-readable medium encoded with machine-readable data the data interoperable with a machine to cause:

a first processor communicating with one or more remote subordinate processors; (See abstract, col. 1, lines 34-42 and col. 11, lines 53-65.)

the first processor performing at least one of solving a given problem and distributing processing required to solve the given problem among the one or more subordinate processors; and (See col. 8, lines 63-65, col. 15, lines 62-65 and col. 11, lines 53-65.)

when processing is distributed among the one or more subordinate processors, providing to the one or more subordinate processors bidding information and responding to one or more bids submitted by the one or more subordinate processors.

Ellis teaches parallel processing operation that involves at least two computers in the network. (See abstract). Ellis does not specifically teach a bidding process. However, Gall all throughout the disclosure teaches a bidding process referred to as job sharing. (see abstract).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing disclosed by Ellis with the job sharing process as taught by Gall because this system would make use of idle computing power which is estimated at 99.9%. ('141 col. 4, line 5.)

Claim 3:

(New) The machine-readable medium of claim 2 wherein the data is interoperable with a machine to cause the first processor communicating with the one or more remote subordinate processors via the Internet. (See col. 12, lines 21-34 particularly, however, the entire disclosure is asserted against the claimed invention.)

Claim 4:

(New) The machine-readable medium of claim 2, wherein the data is interoperable with a machine to cause the distributing to be done via a secure memory and Communications space.

Ellis teaches parallel processing operation that involves at least two computers in the network. (See abstract). Ellis does not specifically teach security measures. However, Gall all throughout the disclosure teaches security measures. (see col. 9, lines 45-50; lines 10-20 particularly, however, the entire disclosure is asserted against the claimed invention).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing disclosed by Ellis with the security measures as taught by Gall because this system would insure the integrity of proprietary information.

Claim 5:

(New) The machine-readable medium of claim 2 wherein the data is interoperable with a machine to cause posing to the one or more subordinate processors the given problem the posing including setting at least one set of given mode parameters, and transmitting the posed problem and the at least one set of given mode parameters to the one or more subordinate processors.

Ellis teaches parallel processing operation that involves at least two computers in the network. (See abstract). Ellis does not specifically teach setting mode parameters. However, Gall all throughout the disclosure teaches setting mode parameters. (see Fig.

3; col. 5, lines 59-65; col. 6, lines 20-26 particularly, however, the entire disclosure is asserted against the claimed invention).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing disclosed by Ellis with setting parameters as taught by Gall because this system would enable the subordinate processor to perform the job within specified parameters.

Claim 6:

(New) The machine-readable medium of claim 5, wherein the data is interoperable with a machine to cause the at least one set of given mode parameters to comprise a set of query parameters.

Ellis teaches parallel processing operation that involves at least two computers in the network. (See abstract). Ellis does not specifically teach query parameters. However, Gall all throughout the disclosure teaches query parameters. (See col. 6, lines 26-33; col. 8, lines 7-15 particularly, however, the entire disclosure is asserted against the claimed invention).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing disclosed by Ellis with query parameters as taught by Gall because this system would enable the master processor to ascertain that subordinate processors are qualified.

Claim 7:

(New) The machine-readable medium of claim 6, wherein the data is interoperable with a machine to cause the set of query parameters to be automatically set.

Ellis teaches parallel processing operation that involves at least two computers in the network. (See abstract). Ellis does not specifically teach automatically setting query parameters. However, Gall all throughout the disclosure teaches automatically setting query parameters. (See col. 5, lines 39-42 particularly, however, the entire disclosure is asserted against the claimed invention- if the parameters are left unchanged from the last time then they would be automatically set.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing disclosed by Ellis with automatically setting query parameters as taught by Gall because this system would enable the master processor to ascertain that subordinate processors are qualified.

Claim 8:

(New) The machine-readable medium of claim 6 wherein the data is interoperable with a machine to cause the set of query parameters to be selectively set.

Ellis teaches parallel processing operation that involves at least two computers in the network. (See abstract). Ellis does not specifically teach selectively setting query parameters. However, Gall all throughout the disclosure teaches selectively setting query parameters. (See col. 5, lines 39-42 particularly, however, the entire disclosure is asserted against the claimed invention).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing disclosed by Ellis with automatically setting query parameters as taught by Gall because this system would enable the master processor to ascertain that subordinate processors are qualified.

Claim 9:

(New) The machine-readable medium of claim 6 wherein the data is interoperable with a machine to cause the set of query parameters to include a compensation parameter.

Ellis teaches parallel processing operation that involves at least two computers in the network and compensation. (See abstract and col. 1, lines 45-59). Ellis does not specifically teach query parameters. However, Gall all throughout the disclosure teaches query parameters. (See col. 6, lines 26-33; col. 8, lines 7-15 particularly, however, the entire disclosure is asserted against the claimed invention).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing and compensation disclosed by Ellis with query parameters as taught by Gall because this system would enable the master processor to ascertain that subordinate processors are qualified.

Claim 10:

(New) The machine-readable medium of claim 9 wherein the data is interoperable with a machine to cause the compensation parameter to be determined by at least one of segment-by-segment basis and a segment-by-subsegment basis.

Ellis teaches parallel processing operation that involves at least two computers in the network and compensation. (See abstract and col. 1, lines 45-59). Ellis does not specifically teach segmentation of parameters. However, Gall all throughout the disclosure teaches segmentation of parameters. (See col. 7, lines 63-65 particularly, however, the entire disclosure is asserted against the claimed invention).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing and compensation disclosed by Ellis with setting parameters as taught by Gall because this system would enable the master processor to ascertain that a certain budget is adhered to.

Claim 11:

(New) The machine-readable medium of claim 9, wherein the data interoperable with a machine to cause the compensation parameter to be determined on a segment-by-segment basis as a result of the submitted bids.

Ellis teaches parallel processing operation that involves at least two computers in the network and compensation. (See abstract and col. 1, lines 45-59). Ellis does not specifically teach segmentation of parameters. However, Gall all throughout the disclosure teaches segmentation of parameters. (See col. 7, lines 63-65 particularly col. 9, lines 31-40 however, the entire disclosure is asserted against the claimed invention).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing and compensation disclosed by Ellis with query parameters as taught by Gall because this system would enable the master processor to ascertain that a certain budget is adhered to.

Claim 12:

(New) The machine-readable medium of claim 5, wherein the data is interoperable with a machine to cause the at least one set of given mode parameters to comprise a set of solve parameters.

Ellis teaches parallel processing operation that involves at least two computers in the network. (See abstract). Ellis does not specifically teach mode parameters to comprise a set of solve parameters. However, Gall all throughout the disclosure teaches about setting parameters. (See col. 5, lines 34-42 particularly, however, the entire disclosure is asserted against the claimed invention – any parameter may be specified).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing disclosed by Ellis with automatically setting query parameters as taught by Gall because this system would enable the master processor to ascertain that subordinate processors are qualified.

Claim 13:

(New) The machine-readable medium of claim 12. wherein the data is interoperable with a machine to cause the set of solve parameters to be automatically set.

Ellis teaches parallel processing operation that involves at least two computers in the network. (See abstract). Ellis does not specifically teach automatically setting query parameters. However, Gall all throughout the disclosure teaches automatically setting query parameters. (See col. 5, lines 34-42 particularly, however, the entire disclosure is asserted against the claimed invention- if the parameters are left unchanged from the last time then they would be automatically set; furthermore any parameter may be set.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing disclosed by Ellis with

automatically setting query parameters as taught by Gall because this system would enable the master processor to ascertain that subordinate processors are qualified.

Claim 14:

(New) The machine-readable medium of claim 12, wherein the data is interoperable with a machine to cause the set of solve parameters to be selectively set.

Ellis teaches parallel processing operation that involves at least two computers in the network. (See abstract). Ellis does not specifically teach selectively setting query parameters. However, Gall all throughout the disclosure teaches selectively setting query parameters. (See col. 5, lines 39-42 particularly, however, the entire disclosure is asserted against the claimed invention- any parameter may be set).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing disclosed by Ellis with automatically setting query parameters as taught by Gall because this system would enable the master processor to ascertain that subordinate processors are qualified.

Claim 15:

(New) The machine-readable medium of claim 12, wherein the data is interoperable with a machine to cause the set of solve parameters to include a maximum latency parameter.

Ellis teaches parallel processing operation that involves at least two computers in the network and latency. (See abstract and col. 12, lines 36-45). Ellis does not specifically teach maximum latency parameter. However, Gall all throughout the disclosure teaches selectively setting query parameters. (See col. 5, lines 39-42

particularly, however, the entire disclosure is asserted against the claimed invention-any parameter may be set).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing disclosed by Ellis with automatically setting query parameters as taught by Gall because this system would enable the master processor to ascertain that subordinate processors are qualified.

Claim 16:

(New) The machine-readable medium of claim 15, wherein the data is interoperable with a machine to cause the maximum latency parameter to be used to determine the bidding submissions submitted by the one or more subordinate processors.

Ellis teaches parallel processing operation that involves at least two computers in the network and latency. (See abstract and col. 12, lines 36-45). Ellis does not specifically teach a bidding process and selectively setting parameters. However, Gall all throughout the disclosure teaches a bidding process referred to as job sharing and selectively setting parameters. (See abstract and col. 5, lines 39-42).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing and latency parameter disclosed by Ellis with the job sharing process and selectively setting parameters as taught by Gall because this system would make use of idle computing power which is estimated at 99.9%. ('141 col. 4, line 5.)

Claim 17:

(New) The machine-readable medium of claim 2, wherein the data is interoperable with a machine to cause the processing required to solve the given problem to comprise at least one of a given problems a segment of the given problem and a sub-segments of the segment of the given problem to be processed. (See col. 1, lines 26-33 – parallel or cascaded processing involves segmentation of the problem to be solved).

Claim 18:

(New) The machine-readable medium of claim 2, wherein the data is interoperable with a machine to cause the processing to comprise instructions to transmit a solution to the given problem through a return path that follows a path used to distribute the processing. This claim is objected to for depending upon a rejected claim.

Claim 19:

(New) The machine-readable medium of claim 15, wherein the data is interoperable with a machine to cause the processing to comprise estimating a latency allocation value, and comparing the latency allocation value against the maximum latency parameter for triggering a subdivide of the posed problem event.

This claim is objected to for depending upon a rejected claim.

Claim 20:

(New) The machine-readable medium of claim 5 wherein the data is interoperable with a machine to cause the posing of a given problem to further comprise setting distribution parameters.

Ellis teaches parallel processing operation that involves at least two computers in the network. (See abstract). Ellis does not specifically teach selectively setting query parameters. However, Gall all throughout the disclosure teaches selectively setting query parameters. (See col. 5, lines 39-42 particularly, however, the entire disclosure is asserted against the claimed invention- any parameter may be set).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing disclosed by Ellis with automatically setting query parameters as taught by Gall because this system would enable the master processor to ascertain that a segment of a problem is properly distributed.

Claim 21:

(New) The machine-readable medium of claim 20 wherein the data is interoperable with a machine to cause the setting distribution parameters to comprise setting parameters indicating where a given solution is to be transmitted.

Ellis teaches parallel processing operation that involves at least two computers in the network. (See abstract). Ellis does not specifically teach selectively setting query parameters. However, Gall all throughout the disclosure teaches selectively setting query parameters. (See col. 5, lines 39-42 particularly, however, the entire disclosure is asserted against the claimed invention- any parameter may be set).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of parallel processing disclosed by Ellis with

automatically setting query parameters as taught by Gall because this system would enable the master processor to route the solution to a specific destination.

## CONCLUSION

**5. THIS ACTION IS MADE FINAL.**

Applicant's addition of new claims (amendment) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

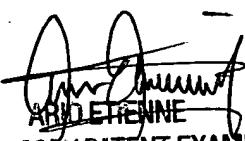
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy  
Patent Examiner  
Art Unit 2157

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May 18, 2005



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